

**BOARD BILL NO. 256 INTRODUCED BY: ALDERWOMAN PHYLLIS YOUNG**

1 An ordinance recommended by the Board of Public Service to vacate above surface, surface and  
2 sub-surface rights for vehicle, equestrian and pedestrian travel in Carroll St. from Dillon St. to St.  
3 Ange Ave.; St. Ange Ave. from 14<sup>th</sup> St. to Carroll St. and an irregular section of 14<sup>th</sup> St. in the City  
4 of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in  
5 conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such  
6 vacation.

7 BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

8 **SECTION ONE:** The above surface, surface and sub-surface rights of vehicle, equestrian  
9 and pedestrian travel, between the rights-of-way of:

10  
11 A tract of land being part of Carroll Street (60 feet wide), St. Ange Avenue (60 feet  
12 wide) and Fourteenth Street (variable width) in City Blocks 1250, 1252 and 822,  
13 City of St. Louis, Missouri; and being more particularly described as follows:

14  
15 Beginning at a point being the intersection of the northwest right-of-  
16 way line of Fourteenth Street (100 feet wide at this point) and north  
17 right-of-way line of said Carroll Street; thence along said northwest  
18 right-of-way line of Fourteenth Street, north 35 degrees 53 minutes  
19 43 seconds east a distance of 96.42 feet to a point; thence departing  
20 said northwest right-of-way line of said Fourteenth Street, south 81  
21 degrees 06 minutes 13 seconds east a distance of 6.13 feet to a point  
22 of curvature; thence along a curve to the right with a radius of 10.00  
23 feet, having a chord bearing south 22 degrees 36 minutes 15 seconds  
24 east for a distance of 17.05 feet, and an arc distance of 20.42 feet to a  
25 point of tangency; thence south 35 degrees 53 minutes 43 seconds  
26 west a distance of 144.23 feet to a point; thence south 35 degrees 58  
27 minutes 03 seconds west a distance of 195.78 feet to a point at the  
28 intersection of the west right-of-way line of St. Ange Avenue (60 feet  
29 wide) and the northwest right-of-way line of Fourteenth Street (80  
30 feet wide at this point); thence departing said northwest right-of-way  
31 line of Fourteenth Street along the west right-of-way line of said St.  
32 Ange Avenue, north 08 degrees 55 minutes 52 seconds east a  
33 distance of 171.48 feet to a point on the south right-of-way line of  
34 said Carroll Street; thence north 81 degrees 06 minutes 13 seconds

Date: October 31, 2008

Page 1 of 4

Board Bill # 256

Sponsor: Alderwoman Phyllis Young

1 west along the south right-of-way line of said Carroll Street, a  
2 distance of 261.29 feet to a point on the southerly prolongation of the  
3 east right-of-way line of Dillon Street (60 feet wide); thence  
4 departing said south right-of-way line of Carroll Street along said  
5 southerly prolongation, north 08 degrees 55 minutes 52 seconds east  
6 a distance of 60.00 feet to a point at the intersections of the east right-  
7 of-way line of said Dillon Street and the north right-of-way line of  
8 said Carroll Street; thence along said north right-of-way line of  
9 Carroll Street, south 81 degrees 06 minutes 13 seconds east a distance  
10 of 356.91 feet to the point of beginning. Said tract of land containing  
11 31,218 square feet or 0.72 acres of land, more or less.  
12

13 are, upon the conditions hereinafter set out, vacated.  
14

15 **SECTION TWO:** City Hospital Development LLC plans to use vacated area to consolidate  
16 property for commercial development in conjunction with The Georgian Phase II and Near  
17 Southside Redevelopment Phase 4E plans. The Water Division will require an easement allowing  
18 for uninhibited access to its facilities in this area. No construction of any kind can occur on or over  
19 the easement or water main and its appurtenances without the prior review and approval of the  
20 Water Commissioner.

21 **SECTION THREE:** All rights of the public in the land bearing rights-of-way traversed by  
22 the foregoing conditionally vacated streets, are reserved to the City of St. Louis for the public  
23 including present and future uses of utilities, governmental service entities and franchise holders,  
24 except such rights as are specifically abandoned or released herein.

25 **SECTION FOUR:** The owners of the land may, at their election and expense remove the  
26 surface pavement of said so vacated streets provided however, all utilities within the rights-of-way  
27 shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

28 **SECTION FIVE:** The City, utilities, governmental service entities and franchise holders  
29 shall have the right and access to go upon the land and occupation hereof within the rights-of-way  
30 for purposes associated with the maintenance, construction or planning of existing or future

Date: October 31, 2008

Page 2 of 4

Board Bill #256

Sponsor: Alderwoman Phyllis Young

1 facilities, being careful not to disrupt or disturb the owners interests more than is reasonably  
2 required.

3 **SECTION SIX:** The owner(s) shall not place any improvement upon, over or in the area(s)  
4 vacated without: 1) lawful permit from the Building Division or Authorized City agency as  
5 governed by the Board of Public Service; 2) obtaining written consent of the utilities, governmental  
6 service entities and franchise holders, present or future. The written consent with the terms and  
7 conditions thereof shall be filed in writing with the Board of Public Service by each of the above  
8 agencies as needed and approved by such Board prior to construction.

9 **SECTION SEVEN:** The owners may secure the removal of all or any part of the facilities  
10 of a utility, governmental service entity or franchise holder by agreement in writing with such  
11 utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the  
12 undertaking of such removal.

13 **SECTION EIGHT:** In the event that granite curbing or cobblestones are removed within  
14 the vacated area, the Department of Streets of the City of St. Louis must be notified. Owner(s) must  
15 have curbing cobblestones returned to the Department of Streets in good condition.

16 **SECTION NINE:** This ordinance shall be ineffective unless within three hundred sixty  
17 (360) days after its approval, or such longer time as is fixed by the Board of Public Service not to  
18 exceed three (3) days prior to the affidavit submittal date as specified in the last section of this  
19 ordinance, the owner(s) of the area to be vacated must fulfill the following monetary requirements, if  
20 applicable, as specified by the City of St. Louis Agencies listed below. All monies received will be  
21 deposited by these agencies with the Comptroller of the City of St. Louis.

- 22 1) CITY WATER DIVISION to cover the full expenses of removal and/or relocation of  
23 Water facilities, if any.
- 24 2) CITY TRAFFIC AND TRANSPORTATION DIVISION to cover the full expense of

Date: October 31, 2008

Page 3 of 4

Board Bill #256

Sponsor: Alderwoman Phyllis Young

1 removal, relocation and/or purchase of all lighting facilities, if any. All street signs must  
2 be returned.

- 3 3) CITY STREET DEPARTMENT to cover the full expenses required for the adjustments  
4 of the City's alley(s), sidewalk(s) and street(s) as affected by the vacated area(s) as  
5 specified in Sections Two and Eight of the Ordinance.

6 **SECTION TEN:** An affidavit stating that all of the conditions be submitted to the Director  
7 of Streets for review of compliance with conditions one year (365 days) from the date of the signing  
8 and approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit  
9 will be forwarded to the Board of Public Service for acceptance. If this affidavit is not submitted  
10 within the prescribed time the ordinance will be null and void.

Date: October 31, 2008

Page 4 of 4

Board Bill #256

Sponsor: Alderwoman Phyllis Young